Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 932 (04/01/2023) - Cost £1

BC Acquitted of Murder and Conspiracy to Pervert the Course of Justice

Doughty Street Chambers: BC, a father of four, was unanimously acquitted after a ten-week trial at the Central Criminal Court. BC, who struggles to read and write, was charged with the murder of a man in a flat in South London, and with the cover-up which unfolded over the next few days. The Crown alleged that BC and another ('SS'), who later fled to Jamaica, had together killed the deceased by beating him and then choking him to death. The Crown further alleged a sophisticated ploy whereby a 'crisis centre' was set up after the killing, and the plan to dispose of the body was carefully calibrated by a network of at least nine individuals (seven featured in this trial), including a designated 'deposition team.' This conspiracy to pervert the course of justice included the scrubbing of the crime scene, disposal of the deceased's mobile phones, stripping his body, and the moving and disposal of his body by loading it into a black holdall bag and moving it to a communal bin storage in North London.

BC denied presence at the murder, and any involvement in a conspiracy to pervert the course of justice. The Defence case involved: Careful consideration and presentation of pathology and forensic evidence, including on the nature of the injuries sustained by the deceased, factors that may cause the heart to stop during asphyxia, and on possible unintended consequences of restraint moves such as a chokehold; Detailed examination of the locked crime scene for clues as to what may have unfolded in the lead up to the death of the deceased; Comprehensive cell site examination, including on complex aspects of cell site evidence, and detailed analysis of call data records, sequencing, and past patterns of usage; Successful efforts to obtain medical records for SS, despite his lack of consent as he had fled to Jamaica to avoid prosecution, and the failure of the police to obtain these; Significant legal arguments including to ward off cutthroat attempts during trial, and to admit into evidence vital background to both the deceased and the absent SS who had suffered a life-threatening injury in the past and had a background of PTSD; Detailed engagement and instruction of experts in areas of pathology, cell site, a psychiatrist for a paper review of the absent SS's medical records, and a psychologist given BC had a severe diagnosis of dyslexia; and Given BC's learning difficulties, the vast material relied upon by the prosecution during trial could not simply be handed to BC, but had to be read to him on an ongoing basis in the cells.

Metropolitan Police Pay Damages to Man Two Years After Stop and Search

Vikram Dodd, Guardian: The Metropolitan police have apologised more than two years after an insurance underwriter sitting in his car outside his home was handcuffed, injured, strip searched and detained in a cell by officers looking for cannabis. No drugs were found on Tariq Stanley, 30, who believes his race was the reason he was targeted. He said he was left traumatised and suffered injuries to his shoulder and left wrist, which was in a splint for two months.

Stanley sued after an inquiry by the Met cleared officers of wrongdoing. The Met paid £22,500 damages and his costs, before the case alleging assault and false imprisonment reached court. Met commander Jon Savell said: "We have accepted responsibility for our actions on that day, which fell below the standards expected." The Met insists the way it conducts stop and search is a crucial crime fighting tactic. Savell said the force apologised for "for the injury and distress caused", adding: "The officers on that day acted with good intentions when stopping and searching the man. It was never their intention for him to suffer any injuries."

Stanley is the fifth young black man in recent weeks to obtain damages from the Met after being searched for drugs without any being found, at a cost of hundreds of thousands of pounds to the force. Stanley said he fought for over two years to hold them accountable and that the police had no grounds to search him. According to legal papers, Stanley was working from home on 17 April 2020 and at 7.30pm left his flat in Woolwich, south-east London. Wearing a dressing gown and slippers he sat in the front seat of his BMW car, put on his headphones and a YouTube video, and lit a tobacco cigarette. His wife did not want him smoking in their flat. A police van with six officers from the violent crime taskforce pulled up behind his car. One officer said he could smell cannabis and asked whether he was smoking the drug.

Stanley said he misunderstood, thinking the officer had asked if he had been smoking and answered "Yeah". He insisted, contrary to the Met's allegations, he did not obstruct the drugs search. He was released without charge nine hours later just before 5am. Stanley said he had previously been stopped and searched twice since the age of 18. "It is still my belief that they saw me and their first instincts were negative racial thoughts rather than neutrality and that's the mindset they need to get rid of if they want to move forward. "The police have not changed. Definitely not. We had to chase them for the apology even after the lawyers had agreed it. They kept on denying liability or doing anything wrong, but then said here is some money and an apology. It does not make sense."

The Met said: "Due to government guidelines around Covid-19, officers approached the man to ascertain what he was doing in the area. The officers noticed a strong smell of cannabis coming from the vehicle and the man admitted that he had been smoking the class B drug. "The man, then aged 27, was informed that he was to be detained for the purposes of a drugs search. He was arrested on suspicion of obstructing a drugs search following a struggle with officers. It was during this struggle that he suffered his injuries." The Met said it would learn lessons and claimed that stop and search between October 2021 to September 2022 had resulted in more than 55,404 acts of criminality being detected, which was "vital to saving lives on London's streets". Iain Gould, solicitor for Stanley, said: "Why was the apology which Tariq undoubtedly deserved, not offered to him in response to his complaint, at the earlier, unforced stage when it would have meant far more? "Tariq's case is yet another example of how broken the police complaint system is."

MoJ Mistakenly Sent Intimate Details of Victim's Anguish to her Stalker

Steven Morris, Guardian: The Ministry of Justice is facing criticism for accidentally sending a violent stalker intimate details of the anguish his victim and her family suffered because of his horrifying campaign. Rhianon Bragg, who fears Gareth Wyn Jones could target her and her family again when he is freed from prison, said the MoJ had given him more "ammunition".

In the new year Jones will try to persuade the Parole Board that he should be released before the end of a four-and-a-half-year custodial sentence for offences including holding Bragg hostage at gunpoint for eight hours. As part of the parole process, the MoJ's public protection casework section prepared a dossier about his case that was sent to Jones and, in error, included a letter written by a clinical psychologist who has worked with Bragg setting out details of the impact of his crimes on her and her family. The letter was sent to Jones in February but Bragg was only informed this month of the error. The MoJ described the mistake as "unacceptable" and launched an investigation.

Bragg, 50, who lives in a remote hillside community in north Wales with her four children, said: "It's an absolutely horrendous situation. They shared with him my mental health assessment, my diagnosis. They have shared intimate information about me and the children. "You want to keep everything from a person like him. I can't get my head around the severity of the damage this will cause. They've given ammunition to a dangerous man. What additional measures will be taken now to protect us?" The parole hearing had been due to take place earlier this month but had already been put off until at least the end of January before the mistake was realised. Bragg said: "When I got told the hearing was delayed I was on a massive high. They had removed the fear of what was going to happen. I had certainty – we were safe for six weeks. That's been lost by this. I can't focus, I'm not sleeping. How can you trust a criminal justice system that can't get the basics right?" Bragg has campaigned for the parole hearing to be in public but the chair of the Parole Board for England and Wales, Caroline Corby, ruled that Jones's mental health issues could be exacerbated by a public hearing. Bragg said: "His privacy is flagged up as an essential human right and adhered to utterly. Yet there has been a complete failure to have the same level for my rights. It makes my human rights, not for the first time, seem inconsequential to the criminal justice system."

Liz Saville Roberts, the leader of Plaid Cymru in Westminster and a north Wales MP, said: "It is appalling that sensitive information about Rhianon's mental health was handed to her kidnapper. The criminal justice system has effectively collaborated in enabling this violent abuser's continued control and means of causing emotional trauma to his victim by this negligence. Rhianon shows immense courage in casting a light on the inequality of arms between victims and the state-enforced priority of perpetrators' rights. The decision to conduct the offender's parole hearing in private should be reversed, as it is evident that justice needs to be seen to be done as a matter of public interest."

Bragg, a clergyman's daughter, began a relationship with Jones, a mechanic, after moving to her family's smallholding in Rhosgadfan, Gwynedd. During the five-year relationship Jones, now 58, frequently verbally abused and physically assaulted her, and when she ended the relationship in 2019 he began stalking and threatening her. She also reported to police that he was menacing her children. During this time Jones was arrested and his licensed firearms seized, but no further action was taken and his weapons were returned. In August 2019 he ambushed Bragg and held her at gunpoint for eight hours overnight. She managed to get away by telling him she had to attend a doctor's appointment. The police were called and in February 2020 Jones was sentenced for stalking, false imprisonment, making threats to kill and possession of a firearm.

An MoJ spokesperson said: "The government has made significant changes in recent years to better protect stalking victims so we are deeply sorry for this unacceptable mistake and the distress it has caused Ms Bragg. We take this type of error extremely seriously and an investigation is under way to understand what happened."

Unanimous Acquittal in Terrorism Trial at the Old Bailey

Douoghty Street Chambers: KA, a young man of good character who had been remanded in custody for over a year awaiting trial, was acquitted on four terrorism charges after a three-week trial at the Central Criminal Court. KA was charged with dissemination of three terrorist publications in May 2020 (when he was 17 years old), and possession of a machete in circumstances which allegedly gave rise to a reasonable suspicion that his possession was intended for a purpose connected with the commission or preparation of an act of terrorism in October to November 2021. The jury returned unanimous verdicts of Not Guilty on all counts on the indictment in two hours of deliberations.

The Crown relied extensively on assertions of 'mindset' material to suggest KA had an

'extremist' mindset. This included reliance on videos, voice notes, nasheeds, social media messages and posts, and internet activity, amongst others. The Crown alleged KA had shared terrorist publications in order to encourage others to commit acts of terrorism. The Crown further alleged the videos were terrorist publications which themselves sought to encourage acts of terror. The Crown asserted KA had obtained a machete for a purpose connected with committing acts of terror. The Crown suggested KA had been radicalised through exposure to ISIS, Taliban, Al-Qaeda, and other propaganda material.

The trial included detailed argument and examination on the following issues: Extensive and successful legal arguments on 'mindset' material; The proper construction of the relevant provisions of the Terrorism Acts 2000 and 2006, alongside applicable authorities, including the change in burden and standard of proof in relation to s.57 of the 2000 Act; The objective parameters of a terrorist publication under s. 2 of the Terrorism Act 2006; The admissibility of expert opinion evidence on the subject of what may constitute a terrorist publication; Engagement of the Human Rights Act 1998 and the European Convention on Human Rights during an assessment of what constitutes a terrorist publication, and when assessing mindset material, including unpalatable speech; Section 8 disclosure applications for important material held by the Crown; Geo-political issues, including argument on whether Bashar Al-Assad's regime was a legitimate government for the purpose of the definition in s.1(1)(b) of the Terrorism Act 2000 after it was disavowed by the UK at the start of the Syrian Civil War, the background to the Syrian conflict and atrocities committed, and whether specified militia groups in various parts of the world were religious or political in nature; Cultural and linguistic issues, including to what extent a passive prayer may be framed in the context of encouragement or inducement to commit acts of terrorism, significance of a Shahadah flag, and the use of certain Arabic terminology and their context dependent meaning; and Theological issues, including examination of the belief system of various sects, types of Salafi and other Islamic groups, interpretation of verses of the Quran and Hadith, definition and scope of terms such as 'khawarij' and 'takfir', and the proper meaning of 'jihad.'

The Defence instructed technical experts to examine numerous seized devices, and an expert on culture, language, Islamic law, with experience of terrorist materials to assist. Fundamentally, the Defence built a case discrediting the Crown's assertion of KA's terrorist 'mindset.' KA denied all allegations, and gave evidence over the course of four days before the jury.

Wholly Mistaken': Judge's Adverse Findings On Non-Party Set Aside

John Hyde, Law Society Gazette: A man castigated in a judgment as plotting a dishonest conspiracy – despite not even being party to the underlying case – has successfully challenged the ruling in court. In what judge Mrs Justice Joanna Smith described as a 'highly unusual appeal', Ronald Popely contested the findings of fact made following a case in which he neither appeared as witness nor submitted any evidence. In Popely v Ayton Ltd & Anor, the court heard that Mr Recorder Geraint Jones KC, sitting at Central London County Court, made assessments of Popely that went 'far beyond the four corners of the case', involving the hatching of a malicious plot to damage his brother and being the main conspirator behind the disputed sale of a property.

The trial judge, the court heard, had said Popely was 'conspicuous' by his absence during proceedings. However he was not named in the particulars of claim or asked to appear as a witness. Popely identified 17 adverse findings of fact made against him and complained that the process adopted by the judge was unfair. Despite the findings being likely to harm his

reputation and right to a private life, the judge gave him no warning that they would be made or any opportunity to answer the allegations. The successful party in the underlying case then applied for an order that Popely be jointly and severally liable for its costs. On appeal, Popely argued this was an extreme case where the court had completely failed to put in place any fair process for him to know that findings might be made against him.

The appeal judge agreed it was 'extremely unusual' in a civil case for the court to make such serious findings, with potential legal consequences, on unpleaded matters against a non-party. She found that the county court judge appeared to have concluded that Popely was somehow responsible for not attending the trial and was influenced by this absence. She added: 'The assumption that individuals who are not involved in a case and have not been asked to appear to give evidence should nevertheless be putting themselves forward voluntarily appears to me to be fundamentally misconceived and is an important part of the procedural unfairness that occurred in this case.' The judge's approach was 'wholly mistaken' with a 'total lack of any procedural process', with no justification for making the adverse findings. Smith said it was not possible for the court to effectively redact paragraphs in a published judgment, but she directed that the adverse findings be set aside and 'treated as if they had never been made'.

Decriminalisation Sex Work in the United Kingdom

Sex work is work: When we say that sex work is work, we mean that it is a method of earning a living through your own labour. It is highly gendered, stigmatised and often precarious work, but it is work that pays the rent, bills, and puts food on the table of thousands of families across the UK. If anti-prostitution campaigners want to support those who wish to leave the sex industry, they should find sex workers – particularly the most precarious workers, such as undocumented, disabled, and those who are single mothers – alternative modes of income, not attempt to take away the economic strategy that people are using to survive.

The problem is the law: Criminalisation makes sex work dangerous. Current laws in the UK means that sex workers are unable to legally work together for safety, and are discouraged from reporting instances of violence committed against them for fear of being arrested. When sex workers receive criminal records for offences relating to their work, it makes it harder for them to find other employment. Enabling sex workers to claim the same legal rights and protections as workers in other industries reduces opportunities for those who currently see them as fair game for criminal exploitation.

We believe sex workers: We live in a society that is obsessed with controlling what women should and shouldn't do with their bodies, particularly when it comes to work and sex. From limiting access to abortion in Northern Ireland, to the UK Supreme Court stopping a woman from being able to divorce her husband, to not believing us when we report rape: the message is clear, women can not be trusted to narrate their lives or decide their own experiences.

We want labour rights: Sex workers are increasingly organising alongside other workers within the trade union movement. The push to criminalise those who purchase sex and to close online sex work platforms is not a 'progressive change' from existing, harmful forms of criminalisation. It is a continuation of them. The reality of the sex industry is that people working in it have a range of experiences – good, bad and ugly. What those who support further criminalisation miss is that intensified policing worsens instances of harm and violence. Instead of attempting to eradicate the sex industry through further empowering the police and immigration enforcement, we need other workers to support sex workers in their demands for safety and dignity at work.

His Majesty King Charles v Patricia Wilson - Denied her Rights in 1978 and Again in 2022

By the standards of today Patricia Wilson at her trial in 1978 was denied all the important safeguards now thought necessary to avoid a miscarriage of justice. It is beyond question that her fundamental right to a fair trial enshrined in article 6 of the European Convention were violated. She was denied rights she was entitled to at the time. There were also unlawful failures to consider the exercise of available safeguards considering her youth.

Her fight against conviction has been refused on a technical basis, despite severe doubts about her conviction by all concerned. The CCRC were involved, and it was they who uncovered the many irregularities that were used to convict her, but despite this, they refused to refer her conviction to the Court of Appeal. Their refusal did not stop Patricia from fighting on; she instructed a firm of solicitors to appeal in 2018, the appeal was accepted and heard, and the court handed down their decision on 09/12/2022. MOJUK have provided this extensive extract as it fully exposes the Imbecilities of UK law.

On 15 February 1978 Patricia Wilson was ***convicted by a judge sitting alone and without a jury***, of causing an explosion of a nature likely to endanger life or cause serious injury to property contrary to section 2 of the Explosive Substances Act 1883, possession of an explosive substance with intent, carrying a firearm with intent to commit an indictable offence all on 11 January 1977 and membership of a prescribed organisation, namely, Cumann na mBan between 23 October 1976 on 25 June 1977. On the same date she was convicted of causing an explosion likely to endanger life or cause serious injury to property contrary to section 2 of the 1883 Act and possession of an explosive substance with intent on 14 March 1977. At her trial the Patricia Wilson did not give evidence nor was any witness called on her behalf. By virtue of section 2(6) of the Northern Ireland (Emergency Provisions) Act 1973 ("EPA") she had a right of appeal under section 8 of the Criminal Appeal (Northern Ireland) Act 1968 but did not exercise that right within the 28 day period allowed.

The applicant was 17 when she was arrested and brought to the notorious Castlereagh Barracks. She had never come to police attention before and had a clear record. The circumstances of her detention included the following: (i) She did not have any access to a lawyer prior to being interviewed or at any stage during her detention in Castlereagh; (ii) Although a juvenile, she did not have the support of an appropriate adult at any stage before or during her detention; (iii) She was held incommunicado throughout her detention prior to making admissions; (iv) Prior to the impugned statements she was interviewed repeatedly by rotating teams of detectives, sometimes for extended periods of time. The interviews continued until she made admissions.

(v) She complained to the doctor about being physically assaulted, verbally abused and intimidated in the two interviews immediately before the interview at which she commenced making the impugned confessions. (vi) Dr Henderson made a record of her complaint on her notes and sent a complaint form to RUC Headquarters for investigation. There are no documents to indicate whether it was investigated and, if so, with what result. (vii) During the interview at which she made admissions she was repeatedly called a liar, told that the police knew she had done it, and became visibly very upset. (viii) She was only allowed to see her parents after she had made the statements. (ix) She was only allowed access to her lawyer after she was charged.

[During1978, 977 Complaints were recorded against members of the RUC: 327 Complaints recorded alleging assault during interview; 239 Complaints recorded alleging irregularity of procedure concerning persons in custody, other than assault; 266 -Complaints recorded involving persons arrested under emergency legislation and alleging assault during interview ; 145- Complaints recorded involving persons arrested under emergency legislation and

alleging irregularity of procedure concerning persons in custody, other than assault.]

In January 2014, 35 years after her conviction, she made an application to the Criminal Cases Review Commission ("CCRC") for review of her convictions. The CCRC accepted her application and made a thourough investigation, including her alleged ill-treatment in Castlereagh. Their investigation uncovered material documentation that was never disclosed to the defence or the court at the time of her trial. It also discovered new facts relating to the conduct of some of the RUC officers responsible for her questioning. The CCRC believed that the Court of Appeal would regard the new evidence as both affording a ground of appeal and being capable of belief for the purposes of section 25 of the Criminal Appeal (NI) Act 1980. However the CCRC did not refer the case to the Court of Appeal, because it said the fresh evidence related to an issue not raised at trial, and it considered that the Court of Appeal was unlikely to find a reasonable explanation for the failure to raise it.

Patricia Wilson, was not giving up on her attempt to have her convictions quashed. She lodged the application with the Northern Ireland Court of Appeal in December 2018 seeking an extension of time within which to appeal her convictions and leave to call witnesses and produce further evidence. The appeal was heard before: Judges Lord Justice Treacy, Sir Paul Maguire and Sir Declan Morgan. Mr O'Donoghue QC with Mr McKenna BL (instructed by Ó Muirigh Solicitors) for the Patrica Wilson. Mr Simpson QC with Mr Steer BL instructed by Northern Ireland , Public Prosecution Service. The court delevered their decision on, 09/10/2022. The decision of the Three judges was not unanimous, so the appeal failed.

Conclusion: Judges Paul Maguire and Declan Morgan

[103] For the reasons given I am satisfied that this applicant had every opportunity to rely on the complaint she made to the FMO during the period of her detention. I am satisfied that she elected not to do so. She now seeks to pursue a challenge to her admissions but has provided no reasonable explanation for her failure to do so at her trial. Her evidence was deeply contradictory and unreliable and I am satisfied beyond reasonable doubt that she did not sustain the physical attacks that she alleged in various contradictory ways during her statement interview.

[104] The interests of justice require that those who are involved in the criminal process should make their case at their trial. I would refuse leave to introduce the fresh evidence upon which the applicant relies in respect of the admissibility of her statements of admission.

[105] I do not consider that there was any unfairness in this case by reason of any failure of disclosure. I am also satisfied that the arguments raised in respect of the reliability of the statements do not give rise to any concern about the safety of the convictions. We do not have the advantage of a record of the trial or the remarks of the trial judge on conviction. We know, however, that the applicant was represented by experienced counsel in whom she had complete confidence. No appeal was advanced or recommended by the lawyers representing the applicant. The applicant took no further steps for 35 years and cannot now come into court to make a new case which she could have advanced at the trial.

[106] I (Judges Maguire and Morgan) would refuse the application to extend the time for appeal.

Conclusion: Lord Justice Treacy

[125] By reason of the very particular circumstances of her case and the accumulation of features summarised below I do not consider that her convictions, based on the confessions of this 17 year old girl whilst detained at Castlereagh, confessions which formed the sole platform for her prosecution and conviction, can, in all conscience, be regarded as safe.

I have a significant sense of unease about her conviction. Her confession was obtained in breach of the rules at the time - in breach of the common law, the Judges' Rules and the

RUC Code. Her right to a fair trial was further breached by the failure of the prosecution to comply with its common law duty to furnish all relevant evidence of help to the accused which "is not limited to evidence which would obviously advance the accused's case.

It is of help to the accused to have the opportunity of considering all the material that the prosecution have gathered, and from which the prosecution have made their own selection of evidence to be led" [per Glidewell LJ at p644 R v Ward]. Full disclosure is one of the most important issues in the criminal justice system and is an indispensable element of the right to a fair trial.

To recap she was not furnished with material relevant to any ill treatment she may have suffered or which may have a bearing on the admissibility and reliability of her confession. The prosecution failed to disclose (i) the record of her medical examination and the doctor's contemporaneous record of her complaints of ill treatment; (ii) the document sent by the doctor escalating her complaint for investigation by RUC HQ; (iii) detention schedule and (iv) the complaint and prosecution files regarding the multiple complaints and prosecution of officers who were involved in her interviews. The confession was also obtained in circumstances which denied the juvenile defendant important safeguards now thought necessary to avoid a miscarriage of justice.

[126] As the CCRC observed, "there can be no doubt" that she was subjected to a sequence of interviews that, by their number and length, could be described as "oppressive" for an unaccompanied and unrepresented young woman, "even by the standards of the time." There were no countervailing safeguards to offset the obvious dangers of statements obtained in such circumstances. Further, in the present case the applicant was plainly denied a fair trial at common law and in breach of article 6 ECHR.

[127] My conclusions that the convictions cannot be regarded as safe and my significant sense of unease about them have been arrived at without reliance on her much later accounts to the CCRC or her even later evidence before us. I have confined myself to the contemporaneous documents, the indisputable circumstances surrounding the conditions of her detention and the newly disclosed material including the evidence regarding multiple complaints and even prosecution of some of the interviewing team conducting her interviews.

[128] The constellation of features present in her case include the following facts: she was a juvenile; had never been arrested before; had a clear record; did not have access to a lawyer prior to making statements of admission or at any stage during her detention in Castlereagh; although a juvenile she did not have the benefit of an appropriate adult at any stage during her detention; she was held incommunicado prior to making admission; prior to the impugned statements she had been interviewed repeatedly by rotating teams of detectives on numerous occasions for extended periods and which continued until she made admissions; her complaint to the doctor about being physically assaulted, verbally abused and intimidated in the two interviews immediately before the interview at which she commenced making the impugned statements; Dr Henderson submitted a record of her complaint, the complaint was sent to RUC Headquarters for investigation, there are no documents to indicate that following Dr Henderson's referral the complaint was investigated and, if so, with what result; failing to disclose material documents regarding her complaints; failing to disclose complaint and prosecution files regarding allegations of ill treatment and prosecution of her interviewing officers and the nature and volume of adverse material concerning the officers involved in the questioning of the applicant.

[129] By the standards of today this juvenile was denied all the important safeguards now thought necessary to avoid a miscarriage of justice. It is beyond question that her fundamental right to a fair trial enshrined in article 6 of the European Convention has been violated. She was denied rights she was entitled to at the time. There were also unlawful failures to consider the exercise

of available safeguards considering her youth. It is to my mind inconceivable that the confession of this juvenile, forming the sole basis of her prosecution and conviction, obtained in Castlereagh without any of even the most basic of these safeguards, could be regarded as safe. Accordingly, I would extend time, admit the written material that the CCRC uncovered and allow the appeal.

Full texts of the decisions

Judges Paul Maguire and Declan Morgan

https://www.bailii.org/nie/cases/NICA/2022/73.html

Lord Justice Treacy

https://www.bailii.org/nie/cases/NICA/2022/74.html

Ó Muirigh Solicitors are considering an appeal to the Supreme Court and will consult with Patricia Wilson early in New Year in relation to same.

Settlement of the Campbell Family Civil Case

The elderly widow of a Catholic factory worker shot dead nearly 50 years ago has settled legal action over alleged security force collusion with the notorious loyalist gunman. Margaret Campbell (84) is to receive a "significant" undisclosed pay-out as part of the resolution in her civil claim against the PSNI. The lawsuit centred on the role played by UVF boss and serial killer Robin "The Jackal" Jackson in the murder of her husband Patrick Campbell in Banbridge, Co Down in October 1973. With proceedings listed for hearing at the High Court in Belfast lawyers announced that a confidential settlement had been reached. Mrs Campbell described the outcome as vindication in her half-century fight to secure justice for her late husband.

Background: There is something wrong with a society that forces the widow and children of Pat Campbell to have to take legal action against elements of that state to get some small level of satisfaction for the pain and hurt that was visited on the family late in the evening of Monday 29 October 1973 by then serving UDR member Robin Jackson (21 August 1973 to 4 March 1974) and other members of his UVF team. On the night Jackson and his accomplice came to Margaret's door they wore no masks nor any form of disguise, they were obviously confident that they would not be brought to justice for the murder of Pat. Unfortunately even though Margaret was brave enough to enter the room that Jackson was in and identify him in the identity parade as the man who came to her door and killed her husband and that two police officers over-heard him say to himself "I am in trouble now because Mrs Campbell would remember the colour of every hair on the man's head who had been at her door and shot her husband."; the state conspired to ensure that Jackson didn't stand trial for Pat's murder.

Jackson's name was known to the police within days of an 'arms raid' on a UDR Armoury in Portadown on 23 October 1973. On the 24 October the farm of a former UDR member was searched and guns and ammunition were found. The owner of the farm named Jackson as one of those who had taken the guns and ammunition to the farm for storage. Pat Campbell was killed 5 days later, why was Jackson not arrested during those 5 days? If he had of been, Pat may still be alive today. Jackson's name was to become infamous throughout the period of the troubles. Unfortunately we will never know how many people he was responsible for killing, the figures range from 50 to over 100. What can be said is that if the state had done justice by the Campbell family many more families would not have suffered the loss of a loved one or suffered either physical or psychological injury at his hands. It has long been suggested that Jackson was an agent of the state, some evidence of this emerged during the Historical Enquiries Team (HET) review of the Miami Showband attack. This attack killed three members of the band, injured two others and also resulted in the deaths of the attackers including one who was thought to have been at Margaret's door with Jackson on the night he killed Pat.

The Miami HET report found that: The fingerprints of an infamous loyalist paramilitary, the Jackal, were found on the silencer of a gun used in the Miami Showband murders. There is no evidence that this information was passed to the Miami investigation team. The suspect was aware that his fingerprints had been found before his arrest. He claimed that a Detective Superintendent had tipped him off and advised him how to avoid arrest.

There is no evidence that these serious allegations were ever thoroughly investigated by RUC HQ however a confidential internal RUC report stated that, if the allegation were true, it constituted a "grave breach of discipline and police confidentiality on the part of the officers concerned." The HET conclusion on this issue reads: "To the objective, impartial observer, disturbing questions about collusive and corrupt behaviour are raised. The HET review has found no means to assuage or rebut these concerns and that is a deeply troubling matter."

The Pat Finucane Centre has supported the Campbell family for over twenty years in their search for truth and justice for Pat's murder and the pain, hurt and grieve that it inflicted on the family. No amount of money will ever compensate them for what they lost that night in 1973 but hopefully today's settlement will bring some level of satisfaction that the state had to settle their claim rather than air the case in court. It is unfortunate that the Campbell's and many other families of those bereaved and injured are faced with having to take this type of case to get some sense of truth and justice. The current British Government proposals would close down all avenues for families to seek truth and justice. These proposals must be opposed by everyone who beliefs in democracy, truth and justice. They are morally and legally bankrupt and will do nothing to deal with the legacy of our troubled past.

British Government Attitudes Towards Loyalist Violence and Infiltration of Security Forces

Declassified official documents shed an interesting light on British government attitudes towards loyalist infiltration of the security forces and loyalist violence in the 1970s. The British Government has sought to portray its role here as that of the neutral broker, the peacekeeper caught between two warring factions. The secret memos and letters, marked UK Eyes Only, tell a different story.

Literally hundreds of mostly Catholic civilians were murdered before the British Government even contemplated the possible extension of internment to loyalists. Clearly the very existence of internment meant that the north was not a democratic state governed by the rule of law. Added to this was the complete denial by the authorities of the loyalist assassination campaign as evidenced by the failure to intern loyalists until 1973. This was tantamount to the state condoning such violence. In December 1971 15 civilians were murdered when loyalists bombed Mc Gurks Bar in Belfast. The RUC and the British Army attempted to blame the IRA. How do we know? Declassified documents.

The failure, until 1992, to ban the largest loyalist paramilitary group, the UDA, together with the toleration of widespread infiltration of the UDR, the locally recruited regiment of the British Army, is clear evidence of a counterinsurgency policy that viewed loyalist paramilitaries as allies in the war against the IRA. It is worth remembering that the UDA was still legal when the organisation murdered Pat Finucane at the behest of RUC Special Branch, MI5 and the FRU. In effect the relationship between loyalist paramilitaries and the British state was similar to the relationship between the Contras and the US administration of Ronald Reagan. The fact that many civilians were murdered as part of these counter insurgency policies was regarded as mere collateral damage by those in London who prosecuted this war.

Other official documents demonstrate a shocking disregard for civilian lives in respect of the actions of the British Army - when the Attorney General asserted in 1971 that soldiers were inca-

pable of committing murder since they were 'on duty' this gave a de facto 'license to kill' to members of the security forces. Bloody Sunday and the Ballymurphy Massacre was the inevitable result. It would be foolish to believe that this is of historical interest only. The interrogation methods used here in the seventies were used again in Iraq. The Labour government claimed it had 'forgotten' that these methods were ruled illegal by the European court. As late as 2010, a soldier was still serving in the British Army despite his conviction for the murder of Peter Mc Bride in Belfast in 1992

Met Police's Handling of Probe Into Downing Street Parties

As we mark two years since the lockdown-busting Downing Street Christmas Party, Good Law Project can confirm that there will be a hearing to decide whether we can bring our case, along with former Deputy Assistant Commissioner Lord Paddick, against the Metropolitan Police's handling of the Partygate investigation to the High Court. That hearing will take place on 22 February 2023. The evidence that those in power had flouted the laws that stopped you and I seeing our friends and family during the lockdowns emerged in late 2021. Remarkably, the Metropolitan Police refused to launch a criminal investigation – but changed course after Good Law Project began legal proceedings against it to compel it to investigate. During the course of that investigation, the Metropolitan Police concluded that both former Prime Minister, Boris Johnson, and present Prime Minister Rishi Sunak had committed a criminal offence in attending lockdown parties. They fined both the former and present Prime Ministers – neither of whom challenged the conclusion. However, the Met failed to examine Johnson's attendance at other gatherings, in November and December 2020 and January 2021. And in June, we launched a second round of legal proceedings. The Met has failed to explain why Boris Johnson was not sent questionnaires regarding these other gatherings, nor fined for attending them, when a number of civil servants and officials who did were questioned and fined. We believe the facts raise important questions about equal treatment before the law. The Met must show it is policing those in power without fear or favour. The same laws must be applied to the powerful as to you and I. This work is only possible thanks to the generous support of thousands of you from across the country.

Behind the Headlines

It seems everyone has an opinion, especially those armchair 'experts' who state with absolute certainty a person's guilt or innocence, never having seen a single paper in the case their information gained from lurid and wildly inaccurate newspaper headlines and gossip and their opinions formed by their own personal prejudices and agenda. Trolls, poison pen' journalists' and pseudo academics undermine and attack cases hiding behind claims that they are helping miscarriages of justice cases. Others exploit those desperate for justice, vulnerable people are conned out of money, exploited by those who claim to have all the answers when they have none, it sometimes seems that those who shout the loudest have nothing to say. It is most often a long and lonely path fighting injustice when ,suddenly out of the blue it seems ,new information comes to light, but this is often a result of many years work behind the scenes.

One in Six People in the UK Have Some Form of Criminal Record

Our current criminal records system is trapping people in the past. We need a more flexible approach which recognises when people who have committed crime no longer pose a risk to society and gives them a chance to start afresh. Many have only had minor interactions with the criminal

justice system and have long since moved on with their lives. But their criminal record still impacts employment opportunities, volunteering roles, housing rights and even travel. People shouldn't have to pay for the same crime over and over again. We're fighting for a fairer system, so that those who have already paid their dues can move on and contribute to society. We want a full review of this unfair and outdated system. 1 in 6 people in the UK have a criminal record: 50 % of employers would not hire someone with a criminal record: 1 in 3 men of working age have a criminal record Our three key asks for a fairer system are: No automatic disclosure of cautions; Wipe the slate clean for childhood offences; Stop forcing people to reveal short prison sentences forever

'How to Mend Prisons' Broken Resettlement Model

Prisoners, Families, Communities, (PACT): Inspectors found 'root-and-branch' problems with HMPPS' flagship Offender Management in Custody (OMiC) programme. The model, intended to improve support to prison leavers as they resettle in the community, is 'simply not working'. The report highlighted many of the same old problems – not enough trained staff, not enough communication between prisons and probation, not enough of a culture of rehabilitation in prisons. In our particular area of interest, inspectors found that – in two in three cases - OMiC is not delivering proper support on family and relationship needs. Recruitment and retention in prisons is at crisis point - you can't run safe, secure, decent prisons without confident, professional, experienced staff. Pact and other third sector organisations can help. There's an opportunity for a much greater multi-agency approach, with greater numbers of third sector colleagues working alongside HMPPS staff to deliver rehabilitation on the front-line. The third sector can train more staff in what is means to be a 'rehabilitative' prison officer. At Pact we already coach hundreds of prison staff every year, equipping them to support prisoners to improve their family relationships. HMPPS would do well to draw upon the expertise and knowledge of the third sector more proactively. The whole system must redouble efforts to support prisoners to stay in touch with loved-ones – this creates safer prison regimes and reduces reoffending. We're running a number of innovative pilot projects that are seeking to do this more effectively. For example, our Routes2Change project in HMP Isis and Brixton is putting family relationships right at the heart of the prison regimes, providing support from day 1 of a prison sentence right up to six months after release. Across the board, HMPPS would do well to call on the experience and expertise of the third sector to address these problems. Pact, along with many others, stands ready to help.

1. Reconsider plans to expand the prison estate. Take that money and invest it to provide more support to reduce reoffending, which now accounts for 4 out of every 5 crimes that are committed.
2. Deliver all the recommendations of the Farmer reviews and put family relationships at the heart of prison regimes. Keeping prisoners in contact with family and friends reduces the risk of self-harm and violence and builds safer communities - prisoners who receive visits from a family member are 39% less likely to reoffend.
3. Make better use of community sentences. Too many people who offend because they are mentally ill and addicted languish in cells where they will get worse, not better. Community sentences with treatment requirements are significantly more effective at reducing reoffending than a short stay in prison.
4. A coherent delivery plan for the women's estate. The Government's pledge to build 500 new places for women contradicts the aim of its Female Offender Strategy to 'reduce female prison places'. We need a coherent approach that imprisons fewer women who pose low or no risk to the public.
5. A credible plan to recruit and retain prison officers. Over 1 in 7 officers left the service last year – this is a crisis. Governors cannot run safe, secure, decent establishments without confident, professional, experienced staff. We urgently need a credible plan.